

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SEAN JEFFREY RICHSON-BEY,

Plaintiff,

V.

JUAREZ,

Defendant.

Case No. 1:22-cv-00567-ADA-BAM (PC)

ORDER GRANTING DEFENDANT'S
SECOND REQUEST FOR EXTENSION OF
TIME TO FILE RESPONSIVE PLEADING
(ECF No. 24)

Responsive Pleading Due: April 19, 2023

Plaintiff Sean Jeffery Richson-Bey (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. This action proceeds against Defendant Juarez for excessive force in violation of the Eighth Amendment.

On September 19, 2022, the Court ordered electronic service on Defendant Juarez and directed the California Department of Corrections and Rehabilitation (“CDCR”) to file a Notice of E-Service Waiver advising the Court which defendant(s) would be waiving service of process without the need for personal service. (ECF No. 13.) That order also required the California Office of the Attorney General (“OAG”) to file, within 30 days from the filing of the Notice of E-Service Waiver, a separate waiver of service of process for any defendant waiving service under Federal Rule of Civil Procedure 4(d)(1). (*Id.*) CDCR returned the Notice of E-Service Waiver indicating that Defendant Juarez intended to waive service on December 5, 2022. (ECF No. 17.) An executed waiver of service was filed for Defendant Juarez on January 4, 2023. (ECF No. 18.) Pursuant to the Court’s September 19, 2022, order finding service of complaint appropriate and directing electronic service, (*see* ECF No. 13), and the Court’s January 30, 2023 order granting Defendant’s first motion for extension of time, Defendant Juarez’s answer or other responsive pleading is due on or before March 20, 2023, (ECF No. 20).

Currently before the Court is Defendant's second motion for extension of time to file responsive pleading, filed March 15, 2023. (ECF No. 24.) Plaintiff has not had the opportunity

1 to respond to the motion, but the Court finds a response unnecessary. The motion is deemed
2 submitted. Local Rule 203(l).

3 In support of the motion, counsel for Defendant declares that she was assigned to this case
4 as soon as she began employment with the office, on January 23, 2023, (ECF No. 24), though the
5 Court notes that she was not designated as counsel for service in this action until February 13,
6 2023, (ECF No. 21). While counsel has been diligently working on this case, including reviewing
7 the complaint, reviewing the court docket, researching the legal claims, and reviewing records
8 received from CDCR, counsel is still awaiting additional records from CDCR that are believed to
9 be necessary to prepare the appropriate response to the complaint. Once received, counsel will
10 need to review those records, speak to Defendant, and prepare and file Defendant's response to
11 the complaint. Defendant requests a further thirty-day extension of time, and the first extension
12 of time following the change of counsel of record. (ECF No. 24.)

13 The Court, having considered the request, finds good cause to grant the requested
14 extension of time. Fed. R. Civ. P. 6(b). The Court further finds that Plaintiff will not be
15 prejudiced by the brief extension requested here. Counsel is warned that further requests for
16 extension of this deadline will be subject to a narrow interpretation of what constitutes good
17 cause.

18 Accordingly, it is HEREBY ORDERED as follows:

19 1. Defendant's second request for extension of time to file responsive pleading, (ECF No.
20 24), is GRANTED; and

21 2. Defendant Juarez shall file and serve a response to the complaint on or before **April 19,**
22 **2023.**

23 IT IS SO ORDERED.
24

25 Dated: March 16, 2023

26 /s/ Barbara A. McAuliffe
27 UNITED STATES MAGISTRATE JUDGE
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